



City of NORFOLK

C: City Attorney, Department of Law

To the Honorable Council
City of Norfolk, Virginia

May 24, 2016

From: Adam Melita, Deputy City Attorney

Subject: An ordinance to approve the acquisition of any interest held by the titleholder of certain property conveyed to the Freemason Street Baptist Church by deed dated August 1, 1907, recorded in the Circuit Court of the City of Chesapeake, Virginia and authorizing the City Manager to accept a quitclaim deed

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 5/6

Approved:

Marcus D. Jones, City Manager

Item Number:

R-7

I. **Recommendation:** Adopt Ordinance.

II. **Applicant:** City of Norfolk

III. **Description:**

This agenda item is an ordinance authorizing the City Manager to accept a quitclaim deed for any property that is owned by heirs of Thomas Guy, namely the Freemason Street Baptist Church of Norfolk, Virginia. The subject property is located in a part of Ocean View that was owned by Mr. Guy in the early part of the 20th Century.

IV. **Analysis**

The area that is the subject of the quitclaim deed to be acquired is that portion of the beach between Willow Terrace and a point just west of where Sturgis Street is today. It is an area which Mr. Guy never conveyed out prior to his death. As a result, title to the land passed through his heirs to his last known natural heir, Virginia W. Hank. Ms. Hank died on April 1, 2000 and title to this land passed, in accordance with her will, to the Freemason Street Baptist Church. The acquisition of a deed from this only known inheritor from the Guy estate helps the City of Norfolk (the "City") demonstrate sufficient estates and title to certain parts of the beach for the City and agencies of the federal government to be able to proceed with future beach nourishment projects. It also settles aspects of the suit the City is currently pursuing

in order to quiet title to certain portions of the public beach since the Freemason Street Baptist Church is a defendant in that matter.

V. Financial Impact

There are no costs associated with accomplishing the acquisition and acceptance of the quitclaim deeds other than the funds to be expended in settlement of the rights of these particular defendants in the quiet title lawsuit. Those amounts remain confidential at this time since the City continues to pursue resolution of this suit.

VI. Environmental

Securing the deeds advances the City's goal of securing sufficient estates and title to be able to proceed with future beach nourishment projects.

VII. Community Outreach/Notification

The notifications required by law as part of the litigation that led to this proposed acquisition were provided. Public notification for this agenda item was conducted through the City's agenda notification process.

VIII. Board/Commission Action

No Board or Commission actions are required.

IX. Coordination/Outreach

This letter has been coordinated with the City Attorney's Office.

Supporting documentation from the City Attorney's Office:

- Ordinance

Form and Correctness Approved: *RAV*

By *[Signature]*
Office of the City Attorney

Contents Approved:

By *[Signature]*
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE APPROVING THE ACQUISITION BY THE CITY OF NORFOLK OF ANY INTEREST HELD BY TITLEHOLDERS OF CERTAIN PROPERTY CONVEYED TO THOMAS GUY BY DEED DATED 1907, RECORDED IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE, VIRGINIA, AND AUTHORIZING THE CITY MANAGER TO ACCEPT A DEED OF QUITCLAIM ON BEHALF OF THE CITY OF NORFOLK.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the acquisition by the City of Norfolk of any interest that the Freemason Street Baptist Church may have in certain property conveyed to Thomas Guy by deed dated August 1, 1907, recorded in the Circuit Court of the City of Chesapeake, Virginia in Deed Book 322, pages 323-330 is hereby authorized and approved.

Section 2:- That upon receipt of a Quitclaim Deed, in form satisfactory to the City Attorney, conveying any interest that the Freemason Street Baptist Church may have in the aforementioned property to the City of Norfolk, the City Manager is authorized to accept the Quitclaim Deed on behalf of the City, and to do all other things necessary and proper to effect the conveyance of the said property to the City of Norfolk.

Section 3:- That this ordinance does not authorize the acquisition of any portion of the aforementioned property that is or may be owned by or titled in the name of any person or legal entity other than the Freemason Street Baptist Church.

Section 4:- That this ordinance shall be in effect from the date of its adoption.